

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

SEQUIN, LLC,)
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Plaintiff,)
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v.) C.A. No. 20-062 WES
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KIMBERLY RENK, et al.,)
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)
Defendants.)
)

ORDER

On January 13, 2021, Magistrate Judge Patricia A. Sullivan issued a Report and Recommendation ("R. & R."), ECF No. 44, recommending that the Court grant Defendant Kimberly Renk's Motion to Dismiss Counts V and VI, ECF No. 30.¹ Count V alleges that Renk is liable for defamation per se due to emails she sent to Sequin's customers. See First Am. Compl. ¶¶ 84-97, ECF No. 17. Judge Sullivan explained that Count V should be dismissed because, "read holistically[,]" the "allegedly false and derogatory statements of fact (as opposed to statements of belief or opinion with the foundational facts disclosed) are not

¹ While that Motion is titled "Kimberly Renk's 12(b)(6) Motion to Dismiss Counts IV and V", the substance of the Motion makes clear that Renk seeks to dismiss Counts V and VI. The Court therefore refers to the Motion without the typographical error.

reasonably capable of being understood as 'of and concerning' Sequin." R. & R. 26-27 (quoting Budget Termite & Pest Control, Inc. v. Bousquet, 811 A.2d 1169, 1172 (R.I. 2002)). Count VI alleges that Renk tortiously interfered with Sequin's business relationships. See First Am. Compl. ¶¶ 98-106. Judge Sullivan concluded that "[w]ith no allegation of any specific business relationship actually harmed as a result of the accused email and no allegation of actual damages, Sequin's claim falls well short of the specificity required to nudge the claim 'across the line from conceivable to plausible.'" R. & R. 29 (quoting Cardigan Mountain Sch. v. N.H. Ins. Co., 787 F.3d 82, 88 (1st Cir. 2015)).

After having carefully reviewed the relevant papers, and having heard no objections, the Court ACCEPTS the report and ADOPTS the recommendations and reasoning set forth therein. Defendant Kimberly Renk's Motion to Dismiss Counts V and VI, ECF No. 30, is GRANTED.

IT IS SO ORDERED.



William E. Smith
District Judge
Date: February 3, 2021